

## Understanding Domestic Violence



Stephen R. Grant, Director Family and Juvenile Services  
State of Connecticut, Judicial Branch, Court Support Services Division

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## Objectives

- Definitions
- Statutorial Criteria
- Types of Domestic Violence
- Risk and Lethality Factors
- Intersection of Civil and Criminal Court
- Considerations for Practitioners
- DV and Custody Disputes
- Impact of Domestic Violence on Children
- Restraining Orders and New Enhancement

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## DEFINITIONS

**DOMESTIC VIOLENCE** A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. (U.S. Dept. of Justice [www.usdoj.gov](http://www.usdoj.gov))

**FAMILY VIOLENCE** An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. (Conn. General Statute 46b-38a)

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## Definitions Cont'd

**FAMILY OR HOUSEHOLD MEMBER** A. Spouses or former spouses, B. Parents and their children, C. Persons eighteen years of age or older related by blood or marriage, D. Persons sixteen years of age or older other than those persons in subparagraph C. presently residing together or who have resided together, E. Persons who have a child in common regardless of whether they are or have been married or have lived together at any time, F. Persons who are in or who have recently been in a dating relationship. (Conn. General Statute 46b-38a)

**FAMILY VIOLENCE CRIME** A crime as defined in section 53a-24 which, in addition to its other elements, contains as an element thereof an act of family violence to a family member and shall not include acts by parents or guardians disciplining minor children unless such acts constitute abuse." (Conn. General Statute 46b-38a)

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## TYPES OF DOMESTIC VIOLENCE

**Physical Violence**

- Shoving
- Hitting
- Biting
- Choking
- Use of weapon

**Psychological Abuse**

- Intimidation
- Threatening
- Destruction of Property
- Abusing pets
- Isolation
- Stalking

**Emotional Abuse**

- Constant criticism
- Name-calling
- Damaging relationship with children
- Using the children

**Economic**

- Controlling/withholding money
- Forbidding employment or attendance at school

**Sexual Abuse**

- Treating in a sexually demeaning manner
- Marital rape

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Risk of Re-Offending vs.  
Risk of Lethality

According to Jacquelyn Campbell, PhD, RN of Johns Hopkins University and a leading expert on lethality assessment, "Lethality risk assessment needs to be distinguished from risk of re-assault. Although the risk factors are overlapping, they are not exactly the same." (Commentary on Websdale: Lethality Assessment Approaches: Reflections on their Use and Ways Forward, 2005)

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## Risk and Lethality Breakout

### Risk of Re-offense

- Prior family and non-family violence assaults, threats, or arrests
- Prior family violence intervention/treatment
- History of violation of orders of protection or court supervision
- Frequency of family violence in the past six months
- Pattern of family violence escalation in the past six months

### Lethality

- Separation after living together during the past year
- Has threatened to kill the victim
- Threatened or actually used a potentially deadly weapon
- Grabbed the victim by the neck or tried to choke the victim
- Tried or threatened to kill him/herself

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## Intersection of Domestic Violence Dynamics and Civil Court

146 DV Murders in Connecticut between 2000-2009

### Precipitating Factors:

- Divorce
- Break-up of the relationship
- Loss of parental/custodial rights

### Common Themes:

- Stalking
- Previous property damage
- Other non-violent crimes
- Lack of awareness of domestic violence
- Multitude of factors that inhibit proactive access to services

Connecticut Coalition Against Domestic Violence, July, 2011, Findings and Recommendations from the CT Domestic Violence Fatality Review Committee

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## As a Practitioner in Civil Court

- Protect children from violence, abuse, and neglect.
- Protect victim parents so they are better able to protect their children. Empower victim parents to make decisions.
- Do not make assumptions that domestic violence does not exist.
- Do not expect parents to be willing to discuss domestic violence openly. You must ask the question.
- Assess the history of violence in the relationship and it's impact on the children. Hold domestic violence perpetrators accountable for their behaviors.
- Assess the risk of retaliation and of continued harassment/abuse.
- Consider that a parent who uses tactics of coercive control may find litigation to be an effective means of controlling the other parent.
- Consider risk and lethality factors.

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Jaffe, Peter G., et al, "Custody Disputes Involving Allegations of Domestic Violence: Toward a Differentiated Approach to Parenting Plans," Family Court Review, Vol. 46, No. 3, July 2008, 500-522.

- Domestic violence is a broad concept that encompasses a wide range of behaviors from isolated events to a pattern of emotional, physical, and sexual abuse that controls the victim.
- There is a need to distinguish the type of abuse that will assist in developing parenting plans after separation when domestic violence is alleged.
- Jaffe, et al, suggests a method of assessing for the type of abuse by screening for the *potency*, *pattern*, and *primary perpetrator* (PPP Screening) of the violence.

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### PPP Screening

- Potency
  - The degree of severity, dangerousness, and potential risk of serious injury and lethality
- Pattern
  - The extent to which the violence is part of a pattern of coercive control and domination as an indicator of the extent of stress and trauma suffered by the child and family
- Primary Perpetrator
  - Whether there is a primary perpetrator will indicate whose access needs to be restricted and which parent is more likely to provide a nonviolent home.

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### Types of Spousal Violence

- Abuse-Controlling Violent Relationships (ACV)
  - On-going pattern of use of threat, force, emotional abuse to dominate and induce fear, submission, and compliance
- Conflict-Instigated Violence (CIV)
  - Violence is perpetrated by both partners
- Violent Resistance (VR)
  - Partner uses violence to defend in response to abuse by a partner
- Separation-Instigated Violence (SIV)
  - Isolated acts of violence in reaction to stress during separation and divorce

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### Proposed Parenting Plans in Domestic Violence Families

- Co-Parenting
  - Low ratings on potency, pattern, and primary perpetrator
- Parallel Parenting
  - Moderate-low ratings on potency and pattern, no primary perpetrator
- Supervised Exchange
  - Moderate ratings on potency, pattern and primary perpetrator where risk of violence occurs only when parents meet
- Supervised Access
  - High ratings on potency alone and moderate-high ratings on potency, pattern, and primary perpetrator
- Suspended Access
  - Very high ratings on potency, pattern, and primary perpetrator

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### Children's Trauma from Exposure to DV

#### Young Children (Ages 4-6)

- Self blame
- Withdrawn
- Regression
- Physical Complaints (headaches)
- Eating and Sleeping problems
- Concentration Problems

#### Pre-Adolescents (10-12)

- Loss of Interest in Social Activities
- Low Self Esteem
- Avoidance of Peer Relationships
- Frequent fighting (boys)
- Girls become more withdrawn

#### School Age (Ages 7-10)

- Developmental Delays
- Learning Disabilities
- Identify with the Aggressor/loss of respect for victim

#### Adolescents (13-17)

- Academic Failure
- School Drop-out
- Delinquency
- Substance Abuse
- Offender/Victim in dating relationships

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### Techniques for Treating Children Exposed to Domestic Violence

- Individual child-centered therapy
- Child-parent psychotherapy
- Trauma-focused cognitive behavioral therapy
- Play therapy
- Healing of the mother/child bond
- Stress management and relaxation techniques

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### Trauma-Focused Treatment for Children Exposed to Domestic Violence

- Children who witness domestic violence in the home and show signs of posttraumatic stress disorder (PTSD) can benefit from trauma-focused cognitive behavior therapy (TF-CBT) delivered in a community setting
  - Resiliency skills for child and parent
  - Examining and changing unhelpful thoughts such as self-blame
  - Creating a narrative about the trauma
  - Helping the abused parent understand how affected the child is
  - Developing optimal ways of staying safe and
  - Focusing on how children could feel safer in the face of ongoing danger

Judith A. Cohen, MD, medical director of the Center for Traumatic Stress in Children and Adolescents, Allegheny General Hospital, Pittsburgh, Pennsylvania, January 2011

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### Relief from Physical Abuse Criteria

Any family or household member as defined in section 46b-38a who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, by another family or household member or person in, or has recently been in, a dating relationship who has been subjected to a continuous threat of present physical pain or physical injury by the other person in such relationship may make an application to the Superior Court for relief under this section.

Conn. General Statute § 46b-15  
(effective October 1, 2011)

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### Information Sharing Enhancement

In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet website. Conn. General Statute § 46b-15

- Speaker of the house of representatives' task force on domestic violence.
- Addressed the crossover between criminal and civil cases.
- First step: Enhanced the information available to Family judges.

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## Resources

### Assessing Risk and Lethality

- Campbell, J.C. (1995). *Assessing the risk of dangerousness: Potential for further violence of sexual offenders, batterers, and child abusers*. Newbury Park, CA: Sage. [the "DA" (Danger Assessment)]. Also see other works by Campbell].
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### Impact of Domestic Violence on Children

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- Holt, S., Buckley, H., & Whelen, S. (2008). *The impact of exposure to domestic violence on children and young people: A review of the literature*, Child Abuse & Neglect 21(8), 797-810.
- Ybarra, G., Wilkens, S., & Lieberman, A. (2007). *The influence of domestic violence on preschooler behavior and functioning*. Journal of Family Violence, 22(1), 33-42.

### Domestic Violence and Child Custody Disputes

- Elrod, Linda D., *Raising the Bar for Lawyers Who Represent Children: ABA Standards of Practice for Custody Cases*, 37 FAM. L. Q., Summer 2003, 105-129.
- Jaffe, Peter G., et al, "Custody Disputes Involving Allegations of Domestic Violence: Toward a Differentiated Approach to Parenting Plans," Family Court Review, Vol. 46, No. 3, July 2008, 500-522.
- Johnston, Janet R. et al, "Allegations and Substantiations of Abuse in Custody-Disputing Families," Family Court Review, Vol. 43, No. 2, April 2005, 284-294, p. 284.
- Johnson, Janet R., "A Child-Centered Approach to High-Conflict and Domestic-Violence Families: Differential Assessment and Interventions," Journal of Family Studies, Vol. 12, No. 1, May 2006, 15-35.
- Kernic et al., "Children in the Crossfire: Child Custody Determinations Among Couples With a History of Intimate Partner Violence," Violence Against Women, Vol. 11, No. 8, August 2005, 991-1021.

### A Selected Electronic Bibliography

- **American Bar Association Commission on Domestic Violence**  
([www.abanet.org/domviol/home.html](http://www.abanet.org/domviol/home.html))
- **DOJ Violence Against Women Office**  
([www.ojp.usdoj.gov/vawo/](http://www.ojp.usdoj.gov/vawo/))
- **Family Violence Prevention Fund**  
([endabuse.org](http://endabuse.org))
- **National Coalition Against Domestic Violence**  
(<http://www.ncadv.org/>)
- **Violence Against Women Online Resources**  
([www.vaw.umn.edu/](http://www.vaw.umn.edu/))

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